

EA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,392	04/26/2001	Anthony R. Lettich	32887-257417	3573

7590 06/17/2005
Charles W. Calkins
Kilpatrick Stockton LLP
1001 W. 4th Street
Winston-Salem, NC 27101

EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/843,392	Applicant(s) LETTICH ET AL.	
	Examiner Andre Boyce	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

[Handwritten mark]

DETAILED ACTION

1. Claims 1-35 have been examined.

Claim Objections

2. Claim 2 is objected to because of the following informalities: there are two (2) periods at the end of the sentence. Appropriate correction is required.

Claim 13 is objected to because of the limitation "and/or operations services and/or products." The Examiner believes at least one (1) comma is missing (i.e., between operations and services). Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8, 15, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 is rendered vague and indefinite, because of the limitation "said comprising one or more users." The Examiner is unclear as to what "one or more users" is referring.

Claim 15 is rendered vague and indefinite for use of the verbiage "receipt of one or more types or revenue." The Examiner is unclear as to what Applicant is claiming.

Art Unit: 3623

Claims 15 and 19 are rendered vague and indefinite for use of "systems and methods", since the claims are system claims. Use of a method within the system claim would constitute having the claim in more than one statutory class.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Friend et al (US 2001/0032165).

As per claim 1, Friend et al disclose a system for facilitating commerce in an industry marketplace comprising a community of participants in a target industry (i.e., business to business application service that empowers various industries, ¶ 0032) comprising: a computer network (network 14, figure 1); a market segment within the industry (i.e., categories broken down into market segments, ¶ 0068); a database for information relevant to the industry or to the market segment accessible via the computer network (database 20, figure 1), the database comprising at least one of the following: data, a value-added

service; a commerce service (i.e., data storage); and an interface, wherein the interface provides access to the information (device 10, figure 1).

As per claim 2, Friend et al disclose a wide area network (§ 0032).

As per claim 3, Friend et al disclose a "virtual" community (i.e., trading platform hosted on an application server coupled to a wide area network, § 0032).

As per claim 4, Friend et al disclose said virtual community is implemented as a site on the world wide web (§ 0037).

As per claim 5, Friend et al disclose community comprises a single market segment within a single industry (i.e., particular market grouping, § 0068).

As per claim 6, Friend et al disclose the scope, make-up and size of said community vary depending on the make-up, size and scope of the market segment (i.e., promotion of engagement between buyers and sellers in order to determine the full scope and content of the entire marketplace, § 0005).

As per claim 7, Friend et al disclose said community fluctuates as the make-up, size and scope of said market segment fluctuates (i.e., real-time market analysis in order to determine trends and hot spots, § 0063).

As per claim 8, Friend et al disclose comprising one or more users (user devices 10, figure 1).

As per claim 9, Friend et al disclose community of participants comprises one or more of the following: users and/or suppliers of shipping and logistics services, operations and products (i.e., distribution services, § 0033).

As per claim 10, Friend et al disclose a community of participants comprises members of distinct levels (i.e., users versus members ¶ 0075).

As per claim 11, Friend et al disclose distinct levels are membership levels structured to meet needs of users and suppliers in a target industry supply chain (i.e., only members are able to access the posting and account sections, ¶ 0075).

As per claim 12, Friend et al disclose members comprise one or more of the following: an equity member; a commission based member; a transaction user member (i.e., member able to access posting and account sections, ¶ 0075); and a referral member.

As per claim 13, Friend et al disclose community of participants comprises one or more providers of shipping, logistics, and/or operations services and/or products (i.e., distribution services, ¶ 0033).

As per claim 14, Friend et al disclose said services, operations and products comprise one or more of the following: logistics operations execution; logistics network optimization; logistics compliance management; and logistics procurement functionality (i.e., distribution services, including any form of product movement, ¶ 0033).

As per claim 15, Friend et al disclose systems and methods for receipt of one or more types or revenue (i.e., payment of goods, ¶ 0065).

As per claim 16, Friend et al disclose types of revenue comprise one or more of the following: transaction fees; commission revenues (i.e., payment of goods, ¶ 0065); subscription fees; and referral fees.

As per claim 17, Friend et al disclose said community of participants comprises one or more virtual fourth party shipping and logistics providers (i.e., trading platform with top-level categories, including commodities, products, services, and transportation, ¶ 0068).

As per claim 18, Friend et al disclose said system includes a logistics software infrastructure (server system 12, figure 4).

As per claim 19, Friend et al disclose systems and methods able to leverage one or more of the following supply chain components: procurement (¶ 0034); distribution; warehousing; reverse logistics; and logistics costs.

As per claim 20, Friend et al disclose one or more of the following capabilities: logistics domain expertise (i.e., distribution service, ¶ 0033); and logistics operations execution capabilities.

As per claim 21, Friend et al disclose one or more of the following capabilities: content/value-added services; and commerce enabling services (i.e., electronic commerce system, ¶ 0034).

As per claim 22, Friend et al disclose content/value-added services comprise one or more of the following: supply-chain-wide communication and integration (i.e., business to business application service, ¶ 0032).

As per claim 23, Friend et al disclose commerce enabling services comprise one or more of the following services, said services providing for: multi-vendor shipping and/or logistics products, operations and/or services (i.e., transactional services for buyers and suppliers, ¶ 0034).

As per claim 24, Friend et al disclose commerce enabling services comprise a service offering or package (i.e., procurement and marketing (selling) of any number of items, ¶ 0033).

As per claim 25, Friend et al disclose service offering or package comprises a service offering or package developed from user needs; and including one or more of the following: single point systems to systems integration; electronic multi-vendor managed inventory; and time saving applications (i.e., business to business application service, ¶ 0032).

As per claim 26, Friend et al disclose a marketplace for transactions among suppliers and users of shipping and logistics services, operations and products, said marketplace connecting suppliers with users desiring to purchase logistics services, operations and products (i.e., business to business application service, ¶ 0032).

As per claim 27, Friend et al disclose marketplace further comprises an information database (database 20, ¶ 0041).

As per claim 28, Friend et al disclose service offering or package comprises one or more of the following: procurement and management of a global logistics network (i.e., distribution services via network 14, ¶ 0033); operations performance

Art Unit: 3623

of a logistics network; planning and optimization of logistics; global compliance; and logistics analysis and reporting.

As per claim 29, Friend et al disclose procurement and management of a global logistics network comprises one or more of the following: logistics service supplier procurement (i.e., distribution services, ¶ 0033); and negotiation processes for transportation, facilities and services.

As per claim 30, Friend et al disclose operations performance of a logistics network comprises one or more of the following: selection of carriers for shipment (¶ 0033).

As per claim 31, Friend et al disclose said planning and optimization of logistics comprises one or more of the following: logistics network optimization (logistical elements in commodity distribution, ¶ 0033); determination of logistics equipment/asset requirements; customer focused logistics solutions; and customer visits.

As per claim 32, Friend et al disclose said global compliance comprises one or more of the following: compliance with the distribution code (i.e., complying with various import/export restrictions, ¶ 0033); dangerous goods compliance; and distribution emergency response.

Claim 33 is rejected based on the fact that it is rendered moot, since the logistics analysis and reporting was not selected as the "one or more." in the rejection of claim 28, as seen above.

As per claim 34, Friend et al disclose a system for facilitating logistics in an industry marketplace (i.e., business to business application service, ¶ 0032) comprising: a plurality of trading partners (i.e., trading platform); a computer network (figure 1); a processor functionally connected to said computer network and operative to integrate the logistics data of said trading partners and provide the data in response to a request (figure 1); a database server functionally connected to said processor operative to store data from and provide data to said processor (database 20); a network access device functionally connected to said processor and said network and operative to issue said request (user device 10).

As per claim 35, Friend et al disclose system for facilitating logistics in an industry marketplace (i.e., business to business application service, ¶ 0032) comprising: a computer network (figure 1); a network access device functionally connected to said computer network and operative to perform functionality comprising at least one of present a graphical user interface and perform scheduled operations (user device 10 and network 14, figure 1); a web server functionally connected to said computer network and operative to provide a document in response to requests (server system 12, ¶ 0039); an application server functionally connected to said web server and operative to execute business logic and provide content to said web server for said provision of said document (server system 12, ¶ 0039); a database server functionally connected to said application server and operative to provide data to said application server (database 20, ¶ 0041); an integration server functionally connected to said

Art Unit: 3623

database server and operative to integrate data from disparate sources into a standard structured data format; a business-to-business server, functionally connected to said integration server and operative to exchange data with a business application (server system 12); and a plurality of trading partners functionally connected to said business-to-business server (i.e., trading platform, ¶ 0032).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Baseman et al (USPN 6671673) disclose a strategic business plan to improve operations.

-Shavit et al (USPN 4799156) disclose on-line electronic communication and processing of business transactions.

-Lucas et al (US 2001/0034656) disclose business to business e-commerce solution.

-Democker (B-to-B Aggregators) disclose e-market businesses.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

Art Unit: 3623


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



adb

June 12, 2005



JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600